343.013
A16 M2
91
MONTANA CASE
HISTORICAL SOCIETY
OF MONTANA
HELENA

MILITARY LAWS

OF THE

State of Montana

COMPILED BY
PHIL GREENAN
The Adjutant General

1919

INDEPENDENT PUBLISHING CO.
HELENA, MONTANA

355
M76L
C3

3 0864 1006 5101 0

MILITARY LAWS

OF THE

State of Montana

COMPILED BY

PHIL GREENAN

The Adjutant General

1919

INDEPENDENT PUBLISHING CO.
HELENA, MONTANA

HEADQUARTERS

National Guard of Montana

OFFICE OF

THE ADJUTANT GENERAL

Helena, April 11, 1919.

By direction of SAMUEL VERNON STEWART, Governor of the State of Montana, the sections of the Constitution of the State of Montana having reference to the military department of the State, together with the Military Laws now in force, are published for the information and guidance of all concerned.

PHIL GREENAN,
The Adjutant General.

EXTRACTS FROM CONSUITUTION OF THE UNITED STATES

ARTICLE I.

Section 8. The Congress shall have power * * *

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress; * * * *

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 10. * * * No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 2. The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of

the principal officer in each of the executive departments, upon any subject relating to the duties of their respective officers, and he shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.

ARTICLE III.

Section 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

Section 4. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

AMENDMENTS TO THE CONSTITUTION.

(ARTICLE II.)

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

(ARTICLE III.)

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

CONSTITUTION OF THE STATE OF MONTANA.

ARTICLE II.

MILITARY RESERVATIONS.

Section 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation as provided by the Constitution of the United States, over the military reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the legislative assembly of the State of Montana; and the legislative assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

PROVIDED. That there be and is hereby reserved to the state the right to serve all legal process of the state, both civil and criminal, upon persons and property found within any of said reservations in all cases where the United States has not exclusive jurisdiction.

ARTICLE III.

A DECLARATION OF RIGHTS OF THE PEOPLE OF THE STATE OF MONTANA.

Section 5. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Section 22. The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Section 31. No armed person or persons or armed body of men shall be brought into this state for the preservation of the peace or the suppression of domestic violence, except upon the application of the legislative assembly or of the governor when the legislative assembly cannot be convened.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

Section 7. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under the state; and no member of congress, or other person holding an office (except notary public, or in the militia) under the United States or this state, shall be a member of either house during his continuance in office.

ARTICLE VII.

EXECUTIVE DEPARTMENT.

Section 6. The governor shall be commander-in-chief of the militia forces of the State, except when these forces are in the actual service of the United States, and shall have power to call out any part or the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion.

ARTICLE IX.

RIGHTS OF SUFFRAGE AND QUALIFICATIONS TO HOLD OFFICE.

Section 5. No elector shall be obliged to perform military duty on the days of election, except in time of war or public danger.

Section 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed at any military or naval place within the same.

Section 7. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state at least one year next before his election or appointment.

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

Section 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf, and mute, soldiers' home, and such other institutions as the public good may require, shall be established and supported by the state in such a manner as may be prescribed by law.

ARTICLE XIV.

MILITARY AFFAIRS.

Section 1. The militia of the state of Montana shall consist of all able-bodied male citizens of the state between the ages of eighteen (18) and forty-five (45) years, inclusive, except such persons as may be exempted by the law of the state or of the United States.

Section 2. The legislative assembly shall provide by law for the organization, equipment, and discipline of the militia, and shall make rules and regulations for the government of the same. The organization shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Section 3. The legislative assembly shall provide by law for maintaining the militia, by appropriations from the treasury of the State.

Section 4. The legislative assembly shall provide by law for the safe keeping of the public arms, military records, relics and banners of the State.

Section 5. When the governor shall, with the consent of the legislative assembly, be out of the State in time of war, at the head of any military force thereof, he shall continue commander-in-chief of all the military forces of the State.

Military Law of the State of Montana

"An Act Relating to the State Militia of the State of Montana, Providing for the Organization, Regulation, Maintenance and Discipline of the National Guard of Montana, Prescribing Duties of Certain County and State Officers in Connection Therewith, Prescribing Penalties and Repealing Sections 1045 to 1110 Inclusive, of the Revised Codes of Montana of 1907."

Be It Enacted By the Legislative Assembly of the State of Montana:

Section 1. This Act, together with subsequent Acts amendatory thereof, and all future Acts relating to the militia and National Guard of Montana, shall be known as the Military Code of the State of Montana.

COMPOSITION OF THE MILITIA.

Section 2. The militia of the State of Montana shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, residing within this State, who shall be more than eighteen years of age, and except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into two classes, the National Guard of Montana and the Unorganized Militia.

GOVERNOR AS COMMANDER-IN-CHIEF.

Section 3. The Militia of the State not in the service of the United States shall be governed and its affairs administered pursuant to law by the Governor, as commander-in-chief, through the Adjutant General's Department, which shall consist of the Adjutant General as its executive head, and such other officers and such enlisted men and civilian employees as the Governor shall from time to time prescribe.

COMPOSITION OF ORGANIZED MILITIA.

Section 4. The Organized Militia of Montana shall consist of the commissioned officers, enlisted men, organizations, staffs, corps and departments of the regularly commissioned and enlisted Militia of the State, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms, equipment, training and discipline shall be prescribed by the Governor in conformity with the laws and regulations of the United States and the laws of this State. In the absence of any Federal law or regulation to the contrary, its minimum enlisted strength shall be twelve hundred and it shall include at all times the Adjutant General's Department and at least one regiment of infantry. The Governor may authorize and cause to be organized from time to time within the Organized Militia of Montana, such additional staffs, corps, departments, branches, arms and organizations as he shall deem necessary, and he shall have power at will to alter, divide, consolidate, disband, muster out or reorganize any staff, corps, department, branch, arm or tactical or administrative subdivision either now existing or hereafter created within the Organized Militia of Montana, subject to the limitations imposed by the laws and regulations of the United States and the laws of this State.

DECLARATION OF POLICY.

Section 5. The duty of maintaining and governing the Organized Militia not in the service of the United States rests upon the states respectively, subject to the constituional authority of Congress, but the prime object of the force is the naional defense. Its efficiency as an agent for national defense necessarily depends upon systematic uniformity in the organization, composition, arms, equipment, training and discipline of its component parts. Its attainment of such uniformity and efficiency requires on the part of each state a rigid adherence to Federal laws and regulations relating to Militia. Therefore, the Governor shall cause the Organized Militia of this State always to conform to all such Federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this State to the contrary. The Organized Militia of Montana or any part thereof shall be subject to call

for United States service at such times, in such manner, and such numbers as may from time to time be prescribed by the United States.

EMERGENCY CLAUSE.

Section 6. WHEREAS, The public peace and safety of the United States and of the State of Montana depend upon an adequate system of national defense, and

WHEREAS, The Militia of the various states is an important element of the national defense, and

WHEREAS, By the Constitution of the United States authority is conferred upon Congress to provide for the calling forth the Militia to execute the laws of the Union, suppress insurrection and repel invasion and to provide for organizing, arming and disciplining the Militia and for governing such part of them as may be called into the service of the United States, and

WHEREAS, By the Constitution of the United States, the authority of training the Militia according to the discipline prescribed by Congress and the appointment of the officers thereof are reserved to the several states, and

WHEREAS, Congress in accordance with the authority conferred upon it has recently enacted certain laws, providing for organizing, arming and disciplining the Militia and for the governing of such part of them as may be called into the service of the United States and has made appropriations of money and military supplies, accoutrements, and stores for the maintenance, support, equipment and discipline of the Militia contingent upon compliance by the states respectively with the conditions set forth in said enactments, and

WHEREAS, Said enactments have been duly and regularly approved by the President of the United States and for some time past have been and now are in full force and effect, and

WHEREAS, It is the duty of the State of Montana and it is necessary for it forthwith to comply with said acts and each of them in order that its Militia may be promptly qualified for the efficient service of both State and Nation, and

WHEREAS, This act is a compliance therewith, a public emergency is hereby declared to exist and this act is neces-

sary for the immediate preservation of the public peace and safety and the support of the State government and its existing public institutions and shall take effect immediately.

COMPOSITION OF NATIONAL GUARD.

Section 7. The National Guard of Montana shall consist of the commissioned officers, enlisted men, staffs, corps, departments and organizations of the Organized Militia of Montana regularly organized and maintained pursuant to law for land service.

GOVERNOR MAY ORDER OUT ORGANIZED MILITIA.

Section 8. In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this State, or the United States, or in case of the imminent danger of the occurrence of any of said events, or in event of public disaster, the Governor shall have power to order the Organized Militia of Montana or any part thereof into the active service of the State, and to cause them to perform such duty as he shall deem proper. The Governor shall also have power to order out the Organized Militia or any part thereof to preserve order and keep people within bounds at any large public assemblage:

PROVIDED, That such action shall be taken only upon written request of the mayor of the city or the sheriff of the county or a district judge in the judicial district within which said assemblage is to occur.

GOVERNOR MAY ORDER OUT UNORGANIZED MILITIA.

Section 9. In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, if the Governor shall have ordered into active service all the available forces of the Organized Militia of Montana and shall consider them insufficient in numbers to properly accomplish the purpose, he may then in addition order out the Unorganized Militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

PENALTY FOR FAILURE TO OBEY CALL.

Section 10. Every member of the Militia who shall have been ordered out for either State or Federal service under the provisions of Sections 8 and 9 of this act, and who shall refuse or wilfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer shall be deemed guilty of desertion and shall suffer such penalty as a general court-martial may direct, unless he shall produce a sworn certificate from a licensed physician of good standing that he was physically unable to appear at the time and place designated:

PROVIDED, That any person chargeable with desertion under this section may be taken by force and compelled to serve.

PENALTY FOR PHYSICIAN MAKING FALSE CERTIFICATE.

Section 11. Whenever any physician shall knowingly make and deliver a false certificate of physical disability concerning any member of the Militia who shall have been ordered out or summoned for active service, such physician shall thereby forfeit forever his license and right to practice in this State and shall be deemed guilty of perjury.

COMMANDER-IN-CHIEF MAY ORDER ENROLLMENT.

Section 12. Whenever the Commander-in-Chief shall deem it necessary, in event of, or imminent danger of war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, he may order an enrollment by counties of all persons subject to military duty, designating the county assessor or some other person for each county to act as county enrolling officer. Each county enrolling officer may appoint such assistant or assistants as may be authorized by the Commander-in-Chief. In each county the enrollment shall include every sane, able-bodied male inhabitant not under sentence for an infamous crime, who is more than eighteen and less than forty-five years of age. The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled. When complete the rolls shall be verified under oath by the enrolling officer, who shall im-

mediately thereupon file one copy with the Adjutant General of the State and another with the county clerk, retaining the third copy for himself.

NOTICE OF ENROLLMENT.

Section 13. Persons making an enrollment under this act, shall at the time of making same serve a notice of such enrollment upon each person enrolled, by delivering such notice to him personally or by leaving it with some person of suitable age and discretion at his place of business or residence, or by mailing such notice to him at his last known place of residence, and shall make a return under oath of such service to accompany the copy of the enrollment filed with the Adjutant General. Such return shall be prima facie evidence of the facts therein shown.

EXEMPTIONS.

Section 14. Whenever an enrollment shall have been ordered under this act, the commanding officer of existing organizations of Militia, and the chiefs of all police and fire departments shall make and deliver to the enrolling officer of the county in which such organization and departments are stationed, verified lists in triplicate of the members of their respective commands and departments, and the enrolling officer shall mark "Exempt" opposite the names of all persons so listed, attaching one copy of each such list to each copy of the enrollment. The enrolling officers shall also mark "Exempt" opposite the names of all Federal, State and County officers. All other persons claiming exemption must within fifteen days after service upon them of the notice of enrollment make a written verified claim in duplicate of such exemption and file the same in the office of the county clerk, who shall within five days thereafter forward one copy thereof with remarks and recommendations to the Adjutant General. Upon the expiration of the time within which any claim of exemption may be filed and received by the Adjutant General, the latter shall notify the county clerk of his decision in each case where exemption has been claimed, and the county clerk shall write upon the roll opposite the name of each person whose claim of exemption has been allowed by the Adjutant General, the word "Exempt." All those on the roll not marked "Exempt" shall be subject to military duty.

PENALTIES FOR DERELICTION OR FALSE CERTIFICATE.

Section 15. If any officer or person, who becomes charged under this act with any duty relating to an enrollment of persons subject to military duty, refuses or neglects to perform the same within the time and substantially in the manner required by law, or if he shall knowingly make any false certificate, or if, when acting as county or assistant enrolling officer, he shall knowingly or wilfully omit from the roll any person required by this act to be enrolled he shall thereby forfeit not less than one hundred nor more than five hundred dollars, to be sued for in the name of the State of Montana by the prosecuting attorney of the county in which such offense shall occur, the amount of the penalty to be determined by the court, and when recovered to be paid into the military fund of the State.

COMPENSATION OF ENROLLING OFFICER.

Section 16. Each county enrolling officer shall be allowed the sum of five cents per name enrolled and served with notice of enrollment by him or his assistants, to be audited and paid as other military bills out of any monies in the military fund not otherwise appropriated, and from such allowance he must pay his assistant or assistants.

EXAMINATION OF ASSESSMENT ROLLS AND POLL LISTS.

Section 17. All civil officers in each county, city and town shall allow persons authorized under this act to make enrollments at all proper times, to examine their records and take copies thereof or information therefrom. It shall be the duty of every person, under the penalties provided in Section 15 of this act, upon application of any person legally authorized to make an enrollment, truthfully to state all of the facts within his knowledge concerning any individual of whom the enroller shall make inquiry. In event of a violation of this section the enroller shall report the facts to the prosecuting attorney, who shall at once proceed to enforce the penalty.

SUITS AGAINST OFFICERS OR ENLISTED MEN.

Section 18. When any suit or proceeding shall be commenced in any court by any person against any military officer of the State for any act done by such officer in his official capacity in the discharge of any duty under this act or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person prosecuting or instituting such suit or proceeding to file a cost bond running to the State of Montana of not less than $200.00, or such greater sum as may be fixed by the court on application therefor for the payment of costs that may be incurred by the defendant therein, and in case the plaintiff shall be non-suited or have the verdict or judgment rendered against him the defendant shall recover costs. The defendant in such action shall be defended by the Attorney General at the expense of the State, but private counsel may be employed by the defendant. No action shall lie against any officer or enlisted man for any acts done by him by virtue of any order which may hereafter be held invalid by any civil court.

PERSONAL STAFF FOR GOVERNOR.

Section 19. Whenever the Governor shall desire the attendance of a personal staff upon any ceremonial occasion, he shall detail therefor such officers as he may choose from the active list of the Organized Militia of Montana, resident in or nearest to the place where such ceremonies are to be held, and the officers detailed shall attend in uniform at the time and place designated and shall constitute the personal staff of the Governor for that occasion, reverting upon completion of such duty to their regular assignments.

DUTIES OF ADJUTANT GENERAL.

Section 20. The Adjutant General shall be ex-officio chief of staff. He shall hold office until his successor is appointed and qualified. He shall appoint the civilian employees of his department and may remove any of them in his discretion.

The expenses of the Adjutant General's Department, necessary to the military service, shall be audited, allowed and paid as other military expenditures are audited, allowed and

paid. Before entering upon his official duties, the Adjutant General must execute an official bond running to the State of Montana in the penal sum of Five Thousand ($5,000.00) Dollars conditioned upon the faithful performance of his duties, said bond to be submitted to the Attorney General for approval, and when approved to be filed in the office of the Secretary of State, the cost of said bond to be paid from the military fund of the State. The Adjutant General shall obtain and pay for, from the military fund, a surety company bond or bonds running to the State of Montana covering all of the officers of the Organized Militia of Montana responsible to the State for money or military property, such bond or bonds to be approved and filed in the same manner as the Adjutant General's bond.

1. The Adjutant General shall keep rosters of all active, reserve and retired officers of the Militia of the State, and keep in his office all records and papers required to be kept and filed therein, and shall submit to the Governor during December of each even numbered year a printed biennial report of the operations and conditions of the Organized Militia of Montana.

2. He shall cause the military law, the regulations of the Organized Militia of Montana and such other military publications as may be necessary for the military service to be printed, indexed and bound at the expense of the State and distributed to the commissioned officers of the Organized Militia of Montana.

3. He shall keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the State, not properly issued.

4. He shall keep just and true accounts of all monies received and disbursed by him.

5. He shall attest all commissions issued to military officers of this State.

6. He shall make out and transmit all Militia reports, returns and communications prescribed by acts of Congress or by direction of the Secretary of War.

7. He shall have a seal, and all copies, orders, records and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if

the originals were produced. The seal now used in the office of the Adjutant General shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with said seal.

8. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property in possession of the State for military purposes, whether belonging to the State or to the United States, as in his opinion the conditions demand.

9. He shall attend to the care, preservation, safekeeping and repairing of the arms, ordnance, accoutrements, equipment and all other military property belonging to the State, or issued to the State by the government of the United States for military purposes, and keep accurate accounts thereof. All military property of the State, which after proper inspection. shall be found unsuitable for use of the State shall be disposed of in such manner as the Governor shall direct and the proceeds thereof paid into the military fund of the State.

10. He shall issue such military property as the necessity of the service requires and make purchases for that purpose. No military property shall be issued or loaned except upon an emergency to persons or organizations other than those belonging to the Organized Militia of Montana except to such portions of the Unorganized Militia as may be called out by the Governor.

11. He shall keep on file in his office the reports and returns of troops and heads of military departments, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the State Militia.

OFFICERS TO BE COMMISSIONED BY THE GOVERNOR.

Section 21. All commissioned officers of the Organized Militia of Montana shall be appointed and commissioned by the Governor. No person shall be so appointed and commissioned unless he shall be a citizen of the United States and of this State and more than twenty-one years of age. Every commissioned officer shall hold office under his commission until he shall have been regularly appointed and commissioned to another grade or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

COMMISSIONED OFFICERS.

Section 22. No person shall be appointed and commissioned to any office in the Organized Militia of Montana unless he shall have been examined and adjudged qualified therefor by an examining board whose report shall have been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be prescribed by the laws or regulations of the United States or those of this State. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the authority appointing the board of its report to that effect such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct, or returned to his former rank and grade if otherwise by his record qualified therefor in the opinion of the Governor.

THE ADJUTANT GENERAL OF THE STATE.

Section 23. There shall be an Adjutant General of the State who shall be appointed by the Governor and shall have the rank of brigadier-general. He shall hold office at the pleasure of the Governor and his commission shall expire with the term for which the Governor appointing him shall have been elected. He shall perform the duties prescribed for him in this chapter and in the regulations now or hereafter issued thereunder and in the statutes of the United States now or hereafter enacted and such duties as pertain to the duties of the cheifs of staff departments.

STAFF OFFICERS; HOW CHOSEN.

Section 24. Vacancies in commissioned grades in administrative staff, corps and departments shall be filled by detail or by appointment and commission as the Governor shall have prescribed in regulations conforming as nearly as practicable with federal laws and regulations governing the filling of similar vacancies in the Federal service: PROVIDED, That no officer shall be detailed or appointed and commissioned to any such staff, corps or department without his written consent. The detail of an officer to a staff, corps or department shall not affect his grade, relative seniority, or right of pro-

motion in the branch or arm of the service from which he shall have been so detailed, and whenever during the continuance of such detail a vacancy shall occur in the branch or arm of the service from which such officer shall have been detailed for which vacancy he would have been eligible in the absence of such detail, he shall upon the termination of such detail and passing the required examination be appointed and commissioned in the grade of such vacancy with rank from the date of occurrence thereof. When an officer shall be relieved from detail with any staff, corps or department he shall be returned to the branch or arm of the service from which he was detailed and shall be assigned to fill the next vacancy therein of his rank and grade, and if there be no vacancy immediately available he shall be carried in the meantime upon the active list as "Unassigned."

ELIGIBILITY FOR STAFF ASSIGNMENT.

Section 25. Staff officers of the National Guard of Montana, including officers of the Pay, Inspection, Subsistence and Medical Departments, hereafter appointed, shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the Militia of this State. This section shall cease to be effective whenever its provisions shall not be required by Federal law as a condition to participation by the State in Federal appropriations.

COMMISSIONED OFFICERS; SELECTION.

Section 26. Whenever a vacancy shall have occurred in the junior commissioned office of any company or similar unit of the National Guard of Montana, the person to be appointed and commissioned to fill such vacancy shall be selected by competitive examination in which all enlisted men of the branch or arm of the srevice wherein such vacancy shall have occurred, on duty at the station where it shall have occurred, shall be eligible to participate.

COMMISSIONED OFFICERS; PROMOTION.

Section 27. Whenever a vacancy shall have occurred in any commissioned office of a company or similar unit of the Organized Militia of Montana other than the junior commissioned office thereof, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service resident at the station of said company or similar unit, or by the promotion of the senior officer of the next lower grade of the same branch or arm of the service resident at that station.

COMMISSIONED OFFICERS; DETAIL TO STAFF.

Section 28. Whenever a vacancy shall have occurred in the commissioned staff of any regiment, battalion, squadron or similar unit of the Organized Militia of Montana, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service, or by the promotion of the senior officer of the next lower grade of the same unit.

PROMOTION TO GRADE OF MAJOR.

Section 29. Whenever a vacancy shall have occurred in the grade of major in the line of the National Guard of Montana, the same shall be filled as follows:

1. In any battalion, squadron or similar unit whose elements are all at one station, by the assignment of the senior major of the line of the same branch or arm of the service resident at that station who shall have no command wholly located within said station, or, if there be no such major, by the promotion of the senior captain in the same branch or arm of the service resident at said station.

2. In any battalion, squadron or similar unit whose elements are not all at one station, by the promotion of the senior among the captains of the same branch or arm of the service resident at the various stations of such command.

PROMOTION TO GRADE OF LIEUTENANT COLONEL AND COLONEL.

Section 30. Whenever a vacancy shall have occurred in the grade of colonel or lieutenant colonel in any regiment or similar unit of the National Guard of Montana, it shall be filled by promotion of the next senior officer of such com-

mand, except in those cases where the law provides for the assignment thereto of officers relieved from detail with staff corps and departments.

PROMOTION TO GRADE OF BRIGADIER GENERAL OF THE LINE.

Section 31. Whenever a vacancy shall have occurred in the grade of brigadier general of the line of the National Guard of Montana, it shall be filled by the promotion of an officer of the line of the National Guard of Montana of the next lower grade of the same branch or arm of the service.

PROMOTION WHILE IN THE SERVICE OF THE UNITED STATES.

Section 32. Whenever a vacancy shall have occurred in any commissioned grade, other than the lowest commissioned grade, of any regiment, separate battalion or squadron, separate company or similar separate unit of the National Guard of Montana while in the service of the United States, such vacancy shall be filled by the promotion of the senior officer of the next lower grade on duty with such command who shall not in writing have waived such promotion. Every vacancy in the lowest commissioned grade in any such command while in such service shall be filled by the promotion of an enlisted man of such command upon the written recommendation of its commanding officer:

PROVIDED, That any vacancy in any such command while in such service in any commissioned grade below that of major may be filled, upon the written recommendation of the commanding officer of such command, by the transfer, assignment or appointment of any officer of the National Guard, or National Guard Reserve, of this State.

OFFICER MAY WAIVE RIGHT TO PROMOTION.

Section 33. Any officer of the Organized Militia of Montana may, in writing, waive his right to any promotion to which his seniority shall entitle him, in which event the next senior officer who shall not in writing have waived such promotion shall be entitled thereto.

OFFICER TO TAKE OATH.

Section 34. Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, he shall be considered to have resigned such office and a new appointment may be made as provided by law.

OATH, FORM OF.

Section 35. The oath of office for commissioned officers in the Organized Militia of Montana shall be substantially as follows:

"I,.....do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Monana, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and the Governor of the State of Montana; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of..... in the National Guard of the United States and of the State of Montana upon which I am about to enter, so help me God."

DISMISSAL OF OFFICERS.

Section 36. The Governor may dismiss any commissioned officer of the Organized Militia of Montana for any of the following reasons:

(1) Conviction of an infamous crime.

(2) Absence from his command for more than thirty days without proper leave.

(3) Sentence of dismissal by court-martial, duly approved.

And the Governor may discharge any commissioned officer of the Organized Militia of Montana for any of the following reasons:

(1) Upon muster out of the organization to which such officer is then assigned.

(2) Acceptance of resignation of such officer:

PROVIDED, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all State and Federal monies, and military property, for which he shall have been accountable or responsible.

(3) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.

(4) Incompetence or unfitness for military service as determined by the duly approved findings of an efficiency board appointed for that purpose.

SENIORITY OF OFFICERS.

Section 37. Upon the date this act becomes effective, or as soon thereafter as practicable, it shall be the duty of the Commander-in-Chief to assign to each commissioned officer of the active list of the National Guard of Montana a number, assigning to the senior officer of each grade number one and continuing lineally thereafter in such grade in order of seniority as of the date of commission in the grade held by each officer on the day this act becomes effective. Thereafter seniority in any given grade shall be determined by the greatest length of continuous service as an officer of the National Guard of Montana, said service to be calculated from the day this act becomes effective. If two or more officers of the same grade have equal length of continuous service as commissioned officers of the National Guard of Montana calculated from the date this act becomes effective, seniority between them shall be determined in the grade held by them by service as officers of the active list performed subsequent to the date this act becomes effective. The rank of any officer who shall receive his first commission in the National Guard of Montana after this act becomes effective, shall be determined in the grade to which appointed by length of service as an officer of the active list, performed subsequent to the date this act becomes effective.

RETIREMENT OF OFFICERS.

Section 38. Commissioned officers of the National Guard of Montana shall be retired by order of the Commander-in-Chief with the grade and rank respectively held by them at the time of such retirement for the following reasons:

(1) Upon reaching the age of 64 years.

(2) Unfitness for military service by reason of physical disability.

(3) Upon request after at least five years' continuous service as officers in the National Guard of Montana.

Retired officers may draw no pay or allowance except when on duty.

They shall be subject only to temporary detail by the Commander-in-Chief and while on duty shall receive the same pay and allowances as officers of the same rank on the active list. On all occasions of duty or ceremony retired officers shall take rank next below officers of the same grade on the active list.

RESERVES.

Section 39. The National Guard Reserve of this State shall respectively be organized by the Governor in regulations conforming with the laws, rules and regulations of the United States. It shall consist of such organizations, officers and enlisted men as the Governor shall prescribe. No commissioned officer shall be transferred or furloughed to the National Guard Reserve without his written consent, except as otherwise expressly provided by law. Officers of the retired list of the Organized Militia of Montana may be transferred to the National Guard Reserve, under such regulations as the Governor may prescribe. Any officer of the National Guard Reserve may be restored to the active list by order of the Governor, subject to the same examination as in the case of an original appointment to his grade, and in such event his service in reserve shall not be counted in computing total length of service for relative seniority.

PERIOD OF ENLISTMENT.

Section 40. Hereafter the period of enlistment in the National Guard of Montana shall be for six years; the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve. Qualifications for enlistment or re-enlistment and the forms of oaths and contracts of enlistment or re-enlistment shall be as prescribed by the Governor in accordance with Federal laws and regulations. In the National Guard, the privilege of

continuing in active service during the whole of an enlistment preiod, and of re-enlisting in said service, shall not be denied by reason of anything contained in this act.

PROVIDED, When a man re-enlists in the Organized Militia of Montana within thirty days from the date of the expiration of his prior enlistment, or within thirty days from the date of his discharge, his term of service shall be considered as continuous, and shall be so dated:

PROVIDED, That in time of peace, a man who enlists in the Montana National Guard shall have been a resident of the State of Montana for a period of one year prior to his enlistment, unless he holds an honorable discharge from some branch of the military or naval service of the United States or from the United States Marine Corps.

DISCHARGE OF ENLISTED MEN.

Section 41. An enlisted man discharged from service in the Organized Militia of Montana shall receive a discharge in writing in such form and of such classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

UNIFORM ALLOWANCE OF OFFICERS.

Section 42. Every commissioned officer of the Organized Militia of Montana shall within sixty days from the date of the order whereby he shall have been appointed, provided himself, at his own expense, with the arms, uniforms and equipments prescribed by the Governor for his rank and assignment.

There shall be audited and paid annually on the first day of April in each year, to each properly armed, uniformed and equipped officer of the active service of the Organized Militia of Montana, a uniform allowance of Thirty-five ($35.00) Dollars for dismounted officers and Fifty ($50.00) Dollars for mounted officers.

PROPERTY TO REMAIN PUBLIC PROPERTY.

Section 43. All property issued to organizations and members of the Organized Militia of Montana shall be and rmeain public property.

UNIFORMS, ETC., EXEMPT.

Section 44. The military uniforms, arms, equipment and mounts of members of the Organized Militia of Montana shall be exempt from execution and taxation.

CLAIMS AGAINST NATIONAL GUARD APPROPRIATION.

Section 45. All bills, claims and demands against the National Guard appropriation shall be certified or verified in the manner prescribed by regulations promulgated by the Governor and shall be audited and approved by the Adjutant General and, if allowed, by the State Board of Examiners, shall be paid by the State Treasurer upon the warrant of the State Auditor from the National Guard appropriation.

PROVIDED, HOWEVER, That in all cases where the Organized Militia or any part thereof is called into the service of the State in case of war, riot, insurrection, invasion, breach of the peace, or in aid of the civil authorities, warrants for allowed pay and expenses for such service shall be drawn upon the general fund of the State Treasury and paid out of any monies in said fund, on the order of the Governor.

BUYING AND RECEIVING STATE PROPERTY PROHIBITED.

Section 46. If any person shall purchase or receive, in pawn or pledge, any military property of the State of Montana or of the United States, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to imprisonment not exceeding one year, or fined not exceeding three hundred dollars or by both such fine and imprisonment.

PAY OF OFFICERS AND ENLISTED MEN.

Section 47. Commissioned officers while on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction or an examining board at or in the vicinity of their home stations or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of the Governor, shall receive the same pay and allowances as officers of the United States of the same grade:

PROVIDED, That for travel only actual necessary expenses shall be allowed.

While on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction at or in the vicinity of their home stations, or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of the Governor, enlisted men of the National Guard of Montana shall receive pay at rates equivalent to twice those allowed for corresponding grades in the United States Army.

This schedule of pay shall apply only to the first thirty days of any tour of duty and after the thirtieth day of any such tour, officers and men shall receive the pay and allowances of officers and men in the regular service of the United States of corresponding organizations and grades.

In addition to the pay herein provided the Governor, or such other official as may be designated by Federal authority, is authorized to receive and disburse, in accordance with Federal laws and regulations, any monies which may be appropriated by the Congress of the United States and allotted to the State of Montana for the payment of officers and enlisted men of the Organized Militia as reimbursement for expenses incurred in, and compensation for, the time devoted to military training during times of peace.

PENSIONS.

Section 48. Every member of the Organized Militia of Montana who shall be wounded or disabled while on duty in the service of the State shall be taken care of and provided for at the expense of the State, and if permanently disabled, shall receive the like pensions or rewards that persons under similar circumstances in the military service of the United States receive from the United States:

PROVIDED, That no pension shall be granted for any disability received while in the service of the United States, or while proceeding to or returning from such service. Before the name of any person is placed upon the pension roll under this section proof shall be made, under such regulations as the Governor shall from time to time prescribe, that the applicant is entitled to such pension.

CAMP DUTY.

Section 49. The Governor shall cause the Organized Militia of Montana to perform for at least five consecutive days in each year camp duty, field maneuvers or such other duty as in his judgment will best promote the discipline and efficiency of the force.

EXEMPTION FROM ARREST.

Section 50. No person belonging to the military forces of this State shall be arrested under any civil process while going to, remaining at, or returning from any place at which he may be required to attend military duty. Any members of the Organized Militia parading, or performing any duty according to the law shall have the right-of-way in any street or highway through which they may pass and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby:

PROVIDED, That the carriage of the United States mail and the legitimate functions of the police and the progress and operations of fire departments shall not be interfered with thereby.

INTERFERENCE WITH EMPLOYMENT.

Section 51. Any person, who either by himself or with another, wilfully deprives a member of the Organized Militia of Montana of his employment or prevents, by himself or with another, such member being employed or obstructs or annoys said member or his employer in his trade, business or employment, because he is such member or dissuades any person from enlisting in said Organized Militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisonment in the county jail not more than thirty days or shall suffer both such fine and imprisonment.

ALLOWANCES FOR INCIDENTAL EXPENSES.

Section 52. Each commanding officer shall be entitled to receive an allowance for the incidental expenses of his command payable quarterly in advance according to the following schedule: Companies, troops, batteries, and like units not to

exceed Fifty ($50.00) Dollars per month; bands not to exceed Ten ($10.00) Dollars per month; regiments and like units not to exceed Twenty-five ($25.00) Dollars per month.

For the first quarter of each biennial period each officer entitled to a quarterly allowance under this section shall be entitled to receive in advance the maximum allowance in full, but with his claim therefor he shall make remittance of the balance, if any, remaining unexpended from the last previous quarter, such remittance to be transmitted by the Adjutant General to the State Treasurer, and for each succeeding quarter of each biennial period, each such officer shall be entitled to receive such sum, not more than the maximum allowance above prescribed, as he shall have expended for authorized expenses of his command during the next preceding quarter. Each claim for quarterly allowance shall include an account current showing the items of expenditure and shall be accompanied by sub-vouchers for all items, each voucher stating definitely the nature and amount of the expenditure evidenced thereby.

TRANSPORTATION AND SUBSISTENCE.

Section 53. There shall be provided by the State transportation for all officers and transportation and subsistence for all enlisted men who shall be ordered out for encampment, field duty, or stated parades, or assembled for duty in case of riot, tumult, breach of the peace, war, insurrection, invasion or imminent danger thereof. Necessary transportation, quartermasters' stores and subsistence for troops when ordered on duty shall be contracted for by the proper officers and paid for as other military bills. There shall be allowed from the military fund for each day's service the sum of Two ($2.00) Dollars per man for each horse for every mounted officer, and mounted orderly, and all members of such other organizations of the National Guard of Montana as are required to be mounted. Horses not furnished by officers or men shall be rented by the State at a cost not exceeding Two ($2.00) Dollars per day for each horse.

AUTHORITY OF COMMANDING OFFICER.

Section 54. The commanding officer at any drill, parade, encampment or other duty may cause those under his command to perform any military duty he shall require, and may

place in arrest for the time of such drill, parade, encampment or other duty any officer or enlisted man who shall disobey the orders of his superior officer, or in any way interrupt the exercises, and any other person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and he shall prohibit and prevent the sale or use of all spirituous liquors, wines, ale, or beer, or holding of huckster or auction sales, and all gambling, and remove disorderly persons beyond the limits of such parade or encampment, or beyond a distance of two miles therefrom, and he shall abate as common nuisances all disorderly places, and all such sales within such limits. Any person violating any of the provisions of this section, or any order issued in pursuance thereof, shall be guilty of a misdemeanor, and may be delivered at or before the termination of such duty to any peace officer, and shall be brought before the nearest court of competent jurisdiction for trial, and upon conviction thereof shall be fined not more than One Hundred ($100.00) Dollars, or imprisoned not more than thirty days, or shall suffer both such fine and imprisonment.

WARNING FOR DUTY.

Section 55. Orders for duty may be oral or written. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order, or by reading the order to the person warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at his last known place of abode or business, with some person of suitable age and discretion, or by sending a copy of such order or notice containing the substance thereof, to such man by mail, directed to him at his last known place of abode or business. Orders may be transmitted by telegraph or telephone. Such warning may be given by any officer or enlisted man. The officer or enlisted man giving such warning shall, when required, make a return thereof, containing the names of persons warned and the time, place and manner of warning. Such returns shall be verified on oath and shall be prima facie evidence, on the trial of any person returned as a delinquent, of the facts therein stated.

MILITARY TRIBUNALS.

Section 56. The military tribunals of the State of Montana shall be of two kinds, viz.:

1. Courts-martial for the trial of offenders against the military law, and

2. Courts of inquiry for examining transactions of, or accusations or imputations against, officers or enlisted men of the Organized Militia of Montana.

All such courts shall be composed of commissioned officers only. All commissioned officers of the Organized Militia of Montana shall be eligible for detail to such courts, but no officer will be detailed for the trial of an officer superior to himself in rank when it can be avoided.

MILITARY COURTS.

Section 57. The military courts of the Organized Militia of the State of Montana shall be of the following classes:

1. General courts-martial.
2. Special courts-martial.
3. Summary courts-martial.

They shall be respectively constituted like and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations of the United States, and the proceedings of such courts shall follow the forms and modes of procedure prescribed for similar courts by the laws and regulations of the United States. They may be convened by order specifying that they shall sit either for the trial of specified offenses or offenders or for the trial of all offenses or offenders that may be lawfully brought before them either during a specified period of time or until further order of the convening or superior authority.

GENERAL COURTS-MARTIAL.

Section 58. General courts-martial may be convened by order of the Governor and may consist of any number of officers from five to thirteen, inclusive. The decision of the appointing authority as to the number of officers to compose such court shall be conclusive. When from any cause a general court-martial is reduced below the minimum of five offi-

cers, the remaining number will direct the Judge Advocate to report the fact to the convening authority and await further orders. Such courts shall have the power and jurisdiction to impose fines not exceeding Two Hundred ($200.00) Dollars; to sentence to forfeiture of pay and allowances; to reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; to reduction in rank or rating; or any two or more of such punishments may be combined in the sentence imposed by such courts.

SPECIAL COURTS-MARTIAL.

Section 59. In the National Guard of Montana the commanding officer of each garrison, post, camp or other place, brigade, regiment, detachment, battalion or other detached command, may appoint special courts-martial for his command but such special courts-martial may in any case be appointed by a superior authority when by the latter deemed desirable. Special courts-martial shall have the power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the State of Montana, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed One Hundred ($100.00) Dollars. Such special courts-martial shall consist of any number of commissioned officers from three to five, inclusive.

SUMMARY COURT OFFICER.

Section 60. The commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment of the National Guard of Montana, may appoint for such place of command a summary court to consist of one (1) officer, who shall have power to administer oaths and try enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court when satisfied of the guilt of such soldier, may impose fines not exceeding Twenty-five ($25.00) Dollars for any single offense, may sentence non-commissioned officers to reduction to the ranks, may sentence to forfeiture of pay and allowances. The proceedings of such

court shall be informal, and the minutes thereof shall be the same as prescribed for similar courts of the regular army of the United States.

SENTENCE TO CONFINEMENT.

Section 61. All military courts of the Organized Militia of Montana shall have power to sentence to confinement in lieu of fines authorized to be imposed:

PROVIDED, That such sentence of confinement shall not exceed one day for each dollar of fine authorized.

SENTENCE, WHEN TO BE APPROVED BY GOVERNOR.

Section 62. No sentence of dismissal or dishonorable discharge from the service of the Organized Militia of Montana not in the service of the United States, imposed by any military court, shall be executed until approved by the Governor.

JURISDICTION OF MILITARY COURTS.

Section 63. Military courts shall have jurisdiction, subject to the limitations imposed by law, at all times and in all places, over officers and enlisted men of the Organized Militia of Montana, and over members of the Unorganized Militia of Montana who shall be under orders for military duty, for all military offenses.

EVIDENCE IN MILITARY COURT.

Section 64. Every military court shall have the same power to compel by subpoena, by subpoena duces tecum, and by attachment the attendance of witnesses, both civilian and military, and the production of books, papers and documents, and to punish for contempt a witness duly subpoenaed for non-attendance or refusal to be sworn or to testify, or to produce books, papers and documents as is possessed by the superior courts of this State. Military courts shall also have power to take or cause to be taken the depositions of witnesses who cannot reasonably be produced at the trial to the same extent as the superior courts aforesaid.

WITNESSES.

Section 65. Every person not belonging to the Organized Militia of Montana who, having been duly subpoenaed to appear as a witness before a military court, shall have wilfully neglected or refused to appear or refused to qualify as a wit-

ness or to testify or produce documentary evidence which such person shall have been legally subpoenaed to produce, and every sheriff, constable, or jailor who shall have received a lawful writ, mandate, subpoena or other process of any military court, and who shall have refused or wilfully or negligently failed to execute or serve the same shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the State of Montana; and it shall be the duty of the prosecuting attorney of any county, on the certification of the facts to him by the president or senior member of the court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than Five Hundred Dollars or imprisonment not to exceed six months, or both, at the discretion of the court: PROVIDED, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

PROCESS.

Section 66. Military courts are empowered to issue all processes and mandates including writs and warrants necessary and proper to carry into full effect the powers vested in said courts. Such writs and mandates may be directed to the sheriff of any county or the constables or marshals of any precinct, city or town, and shall be in such form as may, from time to time, be prescribed in regulations. It shall be the duty of all such officers to whom any such process or mandate may be so directed to forthwith execute the same and make return of their acts thereunder, according to the requirements of such process or mandate. The keepers and wardens of all county and city jails shall receive the bodies of persons committed by the process or mandate of any military court, and shall confine them in the manner prescribed thereby and according to law. Any person may be committed to any county or city jail for failure to pay any fine under this act and when so committed shall be credited upon each fine and assessed with the sum of one dollar for each day so confined.

CONTEMPTS OF COURT.

Section 67. Any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or who shall use any insulting, or contemptuous, or indecorous language or expression to or before any military court, or any member of such court in open court, tending to interrupt its proceedings, or to impair the respect due to its authority, or who shall commit any breach of the peace, or make any noise or other disturbance, directly tending to interrupt its proceedings, may be committed by warrant under the hand of the president of the court, to the jail of the city or county in which said court shall sit, there to remain without bail in close confinement, for a definite period not exceeding three days.

FEES AND MILEAGE.

Section 68. Fees and mileage allowed for the service of process and for civilian witnesses shall be the same as in civil actions. All expenditures necessary to carry the provisions of this act into effect are hereby authorized to be incurred paid out of the appropriations for the maintenance of the Organized Militia of Montana.

"OFFICER" AND "ENLISTED MAN" DEFINED.

Section 69. Whenever used in the military code of the State of Montana and throughout this act the word "officer" shall be understood to designate commissioned officers, and the words "enlisted men" shall be understood to designate members of the Organized Militia of Montana other than commissioned officers. The convictions and punishments mentioned in the military code of the State of Montana and in this act, unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

RULES AND ARTICLES GOVERNING THE ORGANIZED MILITIA.

Section 70. The Organized Militia of Montana shall be governed by the following articles:

Article 1. Any officer who knowingly musters as an enlisted man a person who is not an enlisted man shall be deemed guilty of knowingly making a false muster, and punished accordingly.

Article 2. Every officer who knowingly makes a false return to any of his superior officers authorized to call for such returns, of the State of the organization under his command, or of the arms, ammunitions, clothing or other stores for which he shall be responsible or accountable, shall, on conviction thereof before a court-martial, be dismissed.

Article 3. Every officer shall be charged with the arms, accoutrements, ammunition, clothing and other military stores for which he shall have given his receipt in writing, and shall be responsible in case of their being lost, spoiled or damaged otherwise than by unavoidable accident, or on actual service.

Article 4. Every officer who signs a false certificate relating to the absence or pay of an officer or enlisted man shall be dismissed from the service.

Article 5. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the military service of the State of Montana.

Article 6. Any officer, who wilfully or through neglect, suffers to be lost, spoiled or damaged, any military stores belonging to the United States or the State of Montana, shall make good the loss or damage, and shall suffer such punishment as a court-martial may direct.

Article 7. Any enlisted man who sells, or wilfully, or through neglect wastes the ammunition delivered to him shall be punished as a court-martial may direct.

Article 8. Any enlisted man who sells, or through neglect loses or spoils any military property of the United States or the State of Montana shall be punished as a court-martial may direct.

Article 9. Any officer or enlisted man who behaves himself with disrespect to his commanding officer shall be punished as a court-martial may direct.

Article 10. Any officer or enlisted man who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon or offers any violence against him,

being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer such punishment as a court-martial may direct.

Article 11. Any officer or enlisted man who begins, excites, causes, or joins in any mutiny or sedition, shall suffer such punishment as a court-martial may direct.

Article 12. Any officer or enlisted man who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition does not, without delay, give information thereof to his commanding officer, shall suffer such punishment as a court-martial may direct.

Article 13. Every officer shall have power to part and quell all quarrels, frays and disorders, whether among persons belonging to his own or another organization and to order officers into arrest, and enlisted men into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or draws a weapon upon him, shall be punished as a court-martial may direct.

Article 14. Any enlisted man who thinks himself wronged by any officer may complain to the immediate commander of said officer, who shall examine into said complaint and take proper measures.

Article 15. Any enlisted man who absents himself from duty without leave shall be punished as a court-martial may direct.

Article 16. Any officer or enlisted man who fails, except when prevented by sickness or other necessity, to repair at the fixed time to the appointed place of parade, exercise or other rendezvous, or goes from the same without leave, before he is dismissed or relieved, shall be punished as a court-martial may direct.

Article 17. No enlisted man shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every enlisted man found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

Article 18. Every non-commissioned or petty officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Article 19. Any officer who is found drunk on duty shall be dismissed from the service. Any enlisted man who so offends shall suffer such punishment as a court-martial may direct.

Article 20. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer such punishment as a court-martial may direct.

Article 21. Any officer, who by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer such punishment as a court-martial may direct.

Article 22. Any officer or enlisted man who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post or guard which he is commanded to defend, or speaks words inducing another to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer such punishment as a court-martial may direct.

Article 23. Every enlisted man who deserts, shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such enlisted man shall be tried by a court-martial and punished, although the terms of his enlistment may have elapsed previous to his being apprehended and tried.

Article 24. Any officer, who having tendered his resignation, quits his post, or proper duties, without leave and with intent to remain permanently absent therefrom prior to notice of acceptance of the same, shall be deemed and punished as a deserter.

Article 25. Any officer or enlisted man who advises or persuades any other officer or enlisted man to desert shall suffer such punishment as a court-martial may direct.

Article 26. All officers and enlisted men are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, or maliciously destroys any

property whatsoever belonging to inhabitants of the United States or of the State of Montana, shall, besides such other penalties as he may be liable by law, be punished as a court-martial may direct.

Article 27. Any member of the Organized Militia of Montana

(1) Who makes or causes to be made any claim against the United States or the State of Montana, or any officer thereof, knowing such claim to be false or fraudulent; or

(2) Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or the State of Montana, or any officer thereof, knowing such claims to be false or fraudulent; or

(3) Who enters into any agreement or conspiracy to defraud the United States or the State of Montana, by obtaining or aiding others to obtain the allowance or payment of any false or fraudulent claim; or

(4) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance or payment of any claim against the United States or the State of Montana, or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing or other paper; knowing the same to contain any false or fraudulent statement; or

(5) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Montana, or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

(6) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Montana, or any officer thereof, forges or counterfeits, or procures or advises the forgery or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

(7) Who, having charge, possession, custody or control of any money or other property of the United States or of the State of Montana, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

(8) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the State of Montana, furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States or the State of Montana; or

(9) Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully sells or disposes of any ordnance, arms, ammunition, equipment, clothing, subsistence, stores, money or other property of the United States or of the State of Montana, furnished or intended for the military service thereof; or

(10) Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any enlisted man, officer or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence, stores, or other property of the United States or the State of Montana, such enlisted man, officer or other person not having lawful right to sell or pledge the same:

Shall on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may direct or by any or all of said penalties.

And if any person having committed any of the offenses aforesaid while a member of the Organized Militia of Montana, receive his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

Article 28. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

All crimes not capital and all disorders and neglects, of which officers and enlisted men may be guilty, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles, may be taken cognizance of by a court-martial as provided herein, according to the nature and degree of the offense and punished at the discretion of such court.

Article 29. When an officer is put in arrest for the purpose of trial, the officer by whose order he is arrested shall see that a copy of the charge on which he is to be tried is served upon him within ten days after his arrest, and that he is brought to trial within twenty days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said twenty days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Article 30. For each general or special court-martial of the National Guard the Governor shall appoint a Judge Advocate.

Article 31. When the requisite number of officers to form a general court-martial is not present at any station or detachment the Governor shall in cases which require the cognizance of such court, thereupon order a court to be assembled at the nearest place where such trial can be conveniently held, and shall order the accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Article 32. Officers shall be tried only by general court-martial.

Article 33. The Judge Advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation:

"You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you between the State of Montana and the person

to be tried, and that you will duly administer justice, without partiality, favor or affection, according to the provisions of the rules and articles for the government of the Organized Militia of the State of Montana, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the propert authority, except to the Judge Advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God."

Article 34. When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the Judge Advocate an oath or affirmation in the following form:

"You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same. So help you God."

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form:

"You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

"You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

"You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In case of affirmation the closing sentence of adjuration will be omitted.

Article 35. A court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures

in its presence, or who disturbs its proceedings by any riot or disorder.

Article 36. All members of a court-martial are to behave with decency and calmness.

Article 37. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof and shall not receive a challenge to more than one member at a time.

Article 38. When a prisoner, arraigned before a court-martial, from obstinacy and deliberate design, stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had pleaded not guilty.

Article 39. The Judge Advocate shall prosecute in the name of the State of Montana, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any witness, and to any question to the prisoner the answer to which might tend to incriminate himself.

Article 40. All persons who give evidence before a military court shall be examined on oath, or affirmation in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Article 41. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often as may appear to be just. ,

Article 42. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Article 43. When a court-martial suspends an officer from command it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Article 44. No person shall be tried a second time for the same offense.

Article 45. No person shall be liable to be tried and punished by a court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless by reason of having ab-

sented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Article 46. No sentence of a general court-martial shall be carried into execution until the same shall have been approved by the Governor.

Article 47. Every Judge Advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance may admit, forward the original proceedings and sentence of such court to the Adjutant General.

Article 48. Every person tried by a general court-martial shall, upon proper demand therefor, be entitled to a copy of the proceedings and sentence of such court.

Article 49. A court of inquiry to examine into the nature of any transaction of, or accusation or imputation against, any officer or enlisted man may be ordered by the Governor, and shall make a report of its findings to the Governor within twenty days after its inquiry.

Article 50. The Recorder or Judge Advocate of a court of inquiry shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

After which the President of the Court shall administer to the Recorder or Judge Advocate the following oath:

"You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

Article 51. A court of inquiry, and the Recorder or Judge Advocate thereof, shall have the same power to summon and examine witnesses as is given to general courts-martial and the Judge Advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before general courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as to fully investigate the circumstances in question.

Article 52. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

Article 53. The proceedings of a court of inquiry must be authenticated by the signature of the Recorder or Judge Advocate and the President thereof and delivered to the Adjutant General or convening authority.

Article 54. The proceedings of a court of inquiry may be admtited as evidence by a court-martial in cases not extending to the dismissal of an officer:

PROVIDED, That the circumstances are such that oral testimony can not be obtained.

Article 55. If, upon marches, or in quarters, different organizations of the National Guard of Montana happen to join or do duty together, the officer highest in rank of the line by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the Governor, according to the nature of the case.

Article 56. In case of death of any enlisted man, his commanding officer shall immediately secure all his effects in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Adjutant General.

RIFLE RANGES.

Section 71. Under the direction of the Governor, the Adjutant General shall, at the expense and in the name of the State buy or lease, establish, equip, maintain and control such rifle ranges and issue such ammunition, transportation and supplies as may be necessary to provide each organization of the Organized Militia of Montana with adequate means and opportunity for thorough instruction in rifle practice.

ARMORIES.

Section 72. The Board of County Commissioners of any county in the State of Montana in which a company or companies of Montana National Guard shall be organized and regularly stationed in such county, is hereby authorized to erect and provide in cities of ten thousand population or more, an

armory of sufficient size and suitable for the drill of such company or companies and the preservation and keeping of the arms and equipment of such company or companies, and any city of ten thousand or more population in Montana is hereby authorized and empowered to bear a pro rata part of the expense of erecting and providing said armory as may be agreed upon by the Board of County Commissioners of said city.

EXEMPT FROM ALL JURY DUTY AND PAYMENT OF POLL TAX.

Section 73. Every commissioned officer and every enlisted man of the National Guard of Montana shall be exempt from all jury duty, and from the payment of poll tax, or head tax, of every description, during the term of his service in the National Guard.

TRAVEL ON RAILROAD NOT TO EXCEED ONE CENT PER MILE.

Section 74. From and after the passage and approval of this act all railroads or railroad companies operating and doing business in the State of Montana shall carry the troops of the State of Montana, or officers or enlisted men thereof, while in the performance of their military duties within the State, at a rate of not to exceed one cent per mile.

PRIZES FOR MARKSMANSHIP.

Section 75. The Adjutant General is authorized to expend from the appropriations for the maintenance of the Organized Militia of Montana the sum of Five Hundred ($500.00) Dollars per annum for prizes for marksmanship under such regulations as may be prescribed by the Governor.

ARTICLES OF WAR OF THE UNITED STATES TO GOVERN.

Section 76. Whenever any portion of the Militia of the State shall be on duty under or pursuant to orders of the Governor, or whenever any part of the Militia shall be ordered to assemble for duty in time of war, insurrection, invasion or imminent danger thereof, breach of the peace, tumult, riot, public danger or resistance to process, the Articles of War and Regulations for the government of the army of the United

States so far as applicable and not in conflict with any rule or regulation herein prescribed, and with such modifications as the Governor may prescribe, shall be considered in force and regarded as a part of this act until such forces shall be fully relieved from such duty.

UNAUTHORIZED ASSOCIATION FORBIDDEN.

Section 77. It shall not be lawful for any body of men other than the National Guard or troops of the United States, to associate themselves together as a military company with arms, wihout the consent of the Governor; but members of social and benevolent associations are not prohibited from wearing swords. Every person who shall associate with others in violation of this section shall be guilty of a misdemeanor.

REGULATIONS GOVERNING ARMORIES, RIFLE RANGES, ETC.

Section 78. The Commander-in-Chief shall promulgate in general orders such regulations for the use of armories, rifle ranges, and other real property owned or leased by the State for military purposes as may be proper; PROVIDED, That no armory shall be used for any other than a strictly military purpose without the recommendation of the officer in charge thereof; AND FURTHER PROVIDED, That all civilian rifle clubs affiliated with the National Rifle Association of America shall be permitted the use of the rifle ranges in the armories owned by the State at least one night each week under such regulations as the Commander-in-Chief may direct.

LEASE OF PROPERTY BY THE NATIONAL GUARD.

Section 79. All armories and rifle ranges and all property, real or personal, used by the National Guard and not owned by the State of Montana or the United States, shall be leased or rented to the State upon such terms and conditions as shall be approved by the Commander-in-Chief.

WRONGFUL TAKING OF GOVERNMENT PROPERTY FROM ARMORY.

Section 80. Any enlisted man taking any government property from an armory without the written consent of his company commander shall be considered as appropriating government property to his own use and may be tried in any court of competent jurisdiction and on conviction thereof shall suffer a fine in any sum, not exceeding One Hundred ($100.00) Dollars, together with the cost of such government property, or imprisonment in the county jail for a period not exceeding sixty (60) days, or shall suffer both such fine and imprisonment.

GOVERNOR TO PROMULGATE RULES AND REGULATIONS.

Section 81. The Governor shall promulgate in general orders such rules and regulations and amendments thereto not inconsistent with law as he may deem necessary. Such rules and regulations, when so promulgated, shall have the same force and effect as though herein enacted.

USE OF INSIGNIA OF MILITARY ORDERS PROHIBITED.

Section 82. Every person who shall wilfully wear the badge, button, insignia or rosette of any military order or of any secret order or society, or any similitude thereof, or who shall use any such badge, button, insignia or rosette to obtain aid or assistance, or any other benefit or advantage, unless he shall be entitled to so wear or use the same under the constitution, by-laws, rules and regulations of such order or society, shall be guilty of a misdemeanor.

WHEN CUSTOMS AND USAGE OF THE UNITED STATES SHALL GOVERN.

Section 83. All matters relating to the organization, discipline and government of the National Guard not otherwise provided for in this act or in the general regulations, shall be decided by the custom and usage of the United States Army.

REPEALING CLAUSE.

Section 84. That Sections 1045 to 1110 inclusive of the Revised Codes of 1907, and all Acts and parts of Acts in conflict herewith, be and the same are hereby repealed.

Section 85. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved March 10, 1919.

S. V. STEWART, Governor.

INDEX

	Section		Page
ABSENT WITHOUT LEAVE			
Of enlisted men, punishment	70	(Art. 15)	38
Of officers, punishment	70	(Art. 24)	39
ADDITIONAL PAY	47		27
ADJUTANT GENERAL, THE			
Bond of	20		17
Chief of Staff, shall be ex-officio	20		16
Duties of	20		17
Seal of	20		17
Tenure of Office	23		19
Expenses of, how audited and paid	20		16
AGE			
Of officers, retiring	38		24
Of persons subject to military duty	2		9
ALLOWANCES			
Incidental expenses	52		29
For organizations	52		29
Horse hire	53		30
Officers, same as U. S. Service,	47		27
Quarterly, for companies	52		29
Uniform for officers	42		26
AMMUNITION			
Sale or waste by enlisted men, penalty	70	(Art. 7)	37
ARMORIES			
County or city may	72		46
Regulations governing same	78		48
Lease on same	79		48
Wrongful taking from same	80		49
ARMS			
Use of by unauthorized body of men forbidden	77		48
ARMY REGULATIONS U. S., when in force	76		47
ARREST Exemption from while on duty	50		29
ARREST OF OFFICERS, procedure after	70	(Art. 29)	42
ARTICLES OF WAR, of U. S. Army when considered in force	76		47
ASSESSOR, COUNTY may act as enrolling officer	12		13
AUDITING OF MILITARY BILLS	45		27
BUYING MILITARY PROPERTY	46		27
CAMP DUTY, Required annually	49		29
CLAIMS, MILITARY AUDITING OF	45		27
COMMANDER IN CHIEF			
Governor to be	3		9
May order out Unorganized Militia when	9		12
May orden out Organizetd Militia when	8		12
Personal staff of	19		16
To appoint all commissioned officers	21		18
To promulgate Rules and Regulations	81		49
To promulgate rules and regulations for use of armories	78		48
COMMANDING OFFICER, Authority of	54		30
Disrespect toward, penalty	70	(Art. 9)	37
Property Accountability of	70	(Art. 3)	37
COMMISSIONED OFFICERS			
Allowance same as in U. S. Service	47		27
Allowance for Uniforms	42		26
Arms, must provide at own cost	42		26
Arrest, to have copy of charges and speedy trial	70	(Art. 29)	42

	Section		Page
Bond, must give if required	34		23
Company, how selected	26		20
Detail to Staff	28		21
Discharged on failure to pass examination	22		19
Dismissal of, for what reasons	36		23
Disorders, power to quell	70	(Art. 13)	38
Equipments, must provide at own cost	42		26
Examination of	22		19
Field officers, how selected	29–30		21
How chosen	24		19
Oath of office	34		23
Pay and allowance	47		27
Pay, suspension of by court martial	70	(Art. 43)	44
Promotions (See Promotions	27–33		21*22
Qualifications of	21–22		18–19
Quitting post without leave, penalty	70	(Art. 22)	39
Retirement of	38		24
Retired officers, rank of when on duty	38		24
Seniority of	37		24
CONSTITUTION OF UNITED STATES, Extracts from			3
CONSTITION OF STATE OF MONTANA, Extracts from			5
CONTEMPT OF COURT	67		36
COUNTY COMMISSIONERS may	72		46
COURTS, MILITARY	58		32
Courts of Inquiry	70	(Art. 49-54)	45–46
Courts Martial, General N. G.	57–58		32
Courts Martial, Special N. G.	57–59		32–33
Courts Martial, Summary N. G.	57–60		32–33
Evidence	64		34
Fees and Mileage	68		36
Fines	59		33
Jurisdictions	56–63		32–34
Sentences	58–62		32–34
Process	66		35
Witnesses	65		34
COWARDICE, Punishment for	70	(Art. 22)	39
DECLARATION OF POLICY	5		10
DELIVERY, of property, less than receipted for, penalty	70	(Art. 27, P. 7)	41
Delivery of paper without knowing truth thereof	70	(Art. 27, P. 8)	41
DESERTION, advising or persuading, punishment	70	(Art. 25)	39
By enlisted men, punishment	70	(Art. 22)	39
By officers, punishment	70	(Art. 24)	39
DESTRUCTION OF PROPERTY, punishment	70	(Art. 26)	39
DISCHARGE			
Of enlisted men, reason for	41		26
Of officers, reasons for	36		23
DISCIPLINE, System of same as in U. S. Service	4		10
DISCRIMINATION, against militiamen forbidden	51		29
DISOBEYING Superior officer, penalty	70	(Art. 10)	37
DISRESPECT, toward commanding officer, penalty	70	(Art. 9)	37
DRAFTING, Laws relating to	9–14		12–14
COMMISSIONED OFFICERS			
Retired officers, subject to temporary detail only	38		24
Retirement of, for what reasons	38		24
Retirement of, on account of age	38		24
Selection of	26		20
Senior Present to Command	70	(Art. 55)	46
Seniority of, how determined	37		24
Staff duty, assignment of on relief from	24		19
Suits against, for official acts	18		16
Terms of, office of	38		24
Transportation for	53		30
Triable by general Court Martial only	70	(Art. 37)	44

	Section		Page
Triable by superior officers only	70	(Art. 32)	42
Uniform, allowance for	42		26
Uniforms, must provide at own cost	42		26
Warning of, for duty	55		31
CONDUCT			
Prejudicing, good order, penalty	70	(Art. 28)	41
Unbecoming an officer, penalty	70	(Art. 28)	41
CONTEMPT OF COURT, penalty	67		36
DRUNKENNESS ON DUTY, punishment	70	(Art. 19)	39
ELIGIBILITY, for staff assignment	25		20
EMBEZZLEMENT, punishment	70	(Art. 27, Par. 9	41
EMPLOYMENT, Discharge of militiaman from when forbidden of militiaman interference with prohibited	51		29
ENLISTED MEN, Age of	2		9
Death of, proceedure upon	70	(Art. 56)	46
Definition of term	69		36
Deserting, must serve additional time	70	(Art. 23)	39
Discharge of	41		26
Discharge of from employment forbidden when	51		29
Hiring others to do duty, penalty	70	(Art. 17)	38
Pay, schedule of	47		27
Punishment for taking Government property from Armory	80		49
Suits against, for military acts	18		16
Taking property from armory punishment	80		49
Transportation and subsistence for	53		30
Warning of for duty	55		31
Wronged may appeal to commanding officer	70	(Art. 14)	38
ENLISTMENT AND REENLISTMENTS	40		25
ENROLLING OFFICER	16		15
County Assessor may be designated as	12		13
Dereliction or false certificate by, penalty	15		15
Designation of	12		13
Right to examine public records	17		15
ENROLLMENT, Commander in Chief may order	12		13
Exemptions from, how determined	14		14
Notice of, to persons enrolled	13		14
Proceedure	12 and 17		13 and 15
EVIDENCE, in military courts	64 and 65		34
EXAMINATIONS for Commissions	22 and 33		19 and 22
Physical, of enlisted men	38		24
EXAMINING BOARDS	22		19
EXEMPTIONS, from arrest while on duty	50		29
From execution	44		27
From jury and poll tax	73		47
From taxation	44		27
FALSE ALARMS, Officer causing, punishment	70	(Art. 21)	39
FALSE CERTIFICATE, physician signing, penalty	11		13
Relating to pay or absence, penalty	70	(Art. 4)	37
Signing or enrollment, penalty	15		15
FALSE MUSTER, making, penalty	70	(Art. 1-5	36 and 37
FALSE OATH, punishment	70	(Art. 27, Par. 5)	40
FALSE RETURN, penalty	70	(Art. 2)	37
FEES AND MILEAGE, witnesses	68		36
FIELD DUTY, required	49		29
FORGERY, punishment	70	(Art. 27, Par. 6)	40
FRAUDULENT CLAIMS	70		36
FREE PASSAGE	50		29

	Section		Page
GENERAL FUND, expenses of riot duty paid from	45		27
HIRING OTHERS, to do duty, punishment	70	(Art. 17)	38
HORSES, allowance for hire of	53		30
INFANTRY, prescribed as part of guard	4		
INQUIRY, courts of	70	(Art. 50-55	45 and 46
INSIGNA OF, military orders use of prohibited	82		10
JAILS, fines served out at $1.00 per day	61		34
Keepers and wardens must receive prisoners	66		35
JUDGE ADVOCATE, appointment of	70	(Art. 30)	42
Duties of	70	(Art. 39-47)	44–45
JURY DUTY, Exemptions from	73		47
LIQUORS, Not to be sold near encampment, armories, etc.	54		30
LEASE OF PROPERTY, National Guard	79		48
MEMBERSHIP, prizes for	75		47
MARTIAL COURTS (See Court Martial)			
MEDICAL CORPS (See Organized Militia)			
MILEAGE AND FEES, witnesses	68		36
MILITARY COMPANY, unauthorized association as, forbidden	77		48
MILITARY COURTS (See Courts Military)			
MILITARY DUTY, persons exempt from	14		14
MILITARY PROPERTY			
Exempt from taxation	44		27
Not to be taken from Armories	80		49
Purchasing or receiving unlawfully	70	(Art 27, Par 10)	41
Sale or waste by enlisted men, penalty	70	(Art. 7 and 8)	37
Taken from armory without leave	80		49
Wilful or neglectful loss, penalty	70	(Art. 6)	37
MILITARY RIFLE RANGE	71		46
MILITARY TRIBUNALS (See also Courts Military)	56		32
MILITIA COMPOSITION OF	2–4		9–10
Governor, commander in chief	3		9
Declaration of policy	5		10
Emergency clause	6		11
MILITIA ORGANIZED, composition of	4		10
National Guard	7		12
Governor may order out	8		12
Penalty for failure to obey call	10		13
MILITIA UNORGANIZED	2		9
Enrollment of	12–13		13–14
Enrolling officer compensation	16		15
Exemption	14		14
Examination of Public Records	17		15
Governor may order out	9		12
Penalty for failure to obey	10		13
Penalty, false certificate	11–15		13–14–15
MUSTER, false, officer making, penalty	70	(Art. 1-5)	36–37
Out of companies	4		10
MUTINY, beginner, exciting or joining, punishment	70	(Art. 11)	38
Failure to try to suppress, punishment	70	(Art. 12)	38
NATIONAL GUARD OF MONTANA			
Commander-in-chief may order out, when	8		12
Composition and strength of	4		10
Penalty for failure of member to report for duty	10		13
Rules and Articles governing	70		36
Rules and regulations governing	83		48
Selection of officers for	22		19
Strength and composition of	4–7		10–12
Suits against officers and enlisted men	18		16
To preform at least 5 days camp duty each year	49		29

NATIONAL GUARD RESERVE	39		25
NATIONAL RIFLE ASSOCIATION OF AMERICA			
use of armories	78		40
OATH, for commissioned officers	35		23
For enlisted men	40		25
OFFICERS, definition of	69		36
OFFICERS, May waive right to promotion	33		22
ORGANIZATION, of departments or organized militia	4		10
Of National Guard Reserve	39		25
ORGANIZED MILITIA, composition of	4–7		10–12
OWNERSHIP of military property	43		26
PAY, Additional	47		27
Enlisted men	47		27
Officers	47		27
Officers, suspended by court martial	70	(Art. 43)	44
Not allowed for drills	47		27
PENALTIES, Dereliction by enrolling officer	15		15
False certificate by enrolling officer	15		15
For failure of Militiamen to report for duty	10		13
For physician making false certificate	11		13
Interference employment	51		29
Purchasing or receiving in pawn military property	46		27
PENSION, When Militiaman entitled to	48		28
POLL TAX, Exemption from	73		47
PRIZES for marksmenship	75		47
PROMOTION, of commissioned officers	27		21
To grade of Major	29		21
To grade of Lieutenant Colonel and Colonel	30		21
To grade of Brig. General	31		22
While in service of United States	32		22
PROPERTY			
Accountability of officer	70	(Art. 3)	37
Buying and receiving State, prohibited	46		27
Lease of by State, for use of National Guard	79		26
Military, as public property	43		48
Military, pawning is a misdemeanor	46		27
Ownership of militay	43		26
QUARRELS, frays and disorders	70	(Art. 13)	38
QUARTERLY ALLOWANCE	52		29
QUITTING POST, without leave	70	(Art. 24)	39
REGULATIONS OF U. S. SERVICE, When to govern	76		47
REPORT BIENNIAL	20		16
RESERVE MILITIA	39		25
RETIRED OFFICERS, Pay and allowances	38		24
Relative rank of	38		24
Return to active list, rank of	38		24
Subject to temporary detail only	38		24
RETIREMENT, of Officers	38		24
RETURN, false penalty	70	(Art. 2)	37
RIFLE RANGES, military	71		46
Rules and Regulations for	78		48
State may secure by rental	71		46
RIGHT OF WAY, organized militia, parading shall have	50		29
RIOT DUTY, etc., expense paid from General Fund	45		27

	Section		Page
ROSTER, of Officers	20–21		16–18
RULES AND ARTICLES, governing militia	70		36
RULES AND REGULATIONS, governing armories	78		48
SENIORITY OF OFFICERS	37		24
SENTINEL, Sleeping or quitting post	70	(Art 20)	39
STAFF OF GOVERNOR	19		16
STAFF CORPS vacancies of how filled	24–25		19–20
STAFF OFFICERS, how chosen	24		19
STEALING, punishment	70	(Art. 27, Par. 9	41
STRIKING Superior Officer	70	(Art. 10)	37
SUBSISTENCE, when allowed	53		30
SUITS, Against officers and enlisted men	18		16
Arising from military acts	18		16
Based on military proceedings	18		16
SUMMARY COURTS (See Courts, Summary)			
TERM OF OFFICE, of officers	21–22–38		18–19–24
THE ADJUTANT GENERAL (See Adjutant General, The)			
TRANSPORTATION, When allowed	53		30
TRAVEL ON RAILROAD, one cent per mile	74		47
UNIFORMS, Officers allowance for	42		26
Exempt from execution and taxation	44		27
USE OF INSIGNIA OF MILITARY orders prohbited	82		49
WARNING for duty	55		31
WASTE OR DESTRUCTION OF PROPERTY, Punishment	70	(Art. 26)	39
WHEN CUSTOMS and usage of the United States shall govern	83		49